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Written statement* submitted by ODHIKAR - Coalition for Human Rights, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[16 August 2018]

* Issued as received, in the language(s) of submission only.

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Bangladesh: Stop restrictions on the rights to freedom of opinion, expression and of peaceful assembly and association

Dhaka, 20 August 2018: Odhikar expresses grave concern over the recent, intensified violent attacks on citizens, including school, college and university students, rights activists and journalists; for expressing opinions and holding spontaneous protests. The incumbent government is becoming increasingly intolerant towards rights to freedom of association, expression and opinion as it seeks to retain power at all costs by preventing the democratic participation of its citizens. Peaceful assemblies for legitimate demands have been attacked by police through the use of excessive force and with alleged and reported assistance from ruling party activists and its violent supporters. Recent examples of such violence are as follows:

1. On 29 July, 2018 two college students were killed by a recklessly speeding bus on Airport Road in Dhaka City. Students staged a protest calling for safe roads. The Shipping Minister and Executive President of the Bangladesh Road Transport Workers Federation, Shahjahan Khan, questioned journalists as to why there should be such outrage at the death of two students.1 As a result the student protest spread quickly and school and college students were joined by university students. They began asking for the implementation of a 9-point demand, including the resignation of the Shipping Minister Shahjahan Khan, punishment of the killer bus driver and assurances for safer roads.

Students carried out protests peacefully by checking licenses of drivers and registrations of vehicles, making emergency lanes, etc. However, police accompanied by ruling party activists with sticks, iron rods, and machetes; some wearing helmets to hide their identity, attacked students leaving many of them severely wounded. Several journalists were attacked and a female journalist molested.2 On 4 August 2018, the government ordered telecommunication operators to shut down 3G and 4G mobile internet services across large parts of the country to restrict sharing of information on social media.3 Meanwhile, Detective Branch (DB) of Police arbitrarily picked up internationally renowned photographer, Dr. Shahidul Alam at around 10:30 pm on 5 August 2018, without any arrest warrant, after he gave an interview on Al Jazeera over the student protests.4 According to his statement to journalists before he entered court, the DB Police tortured him in the custody. He was bare-footed and supported by police as he walked to court.5 The arrest and mistreatment of someone as prominent as Shahidul Alam shows the dangerous escalation of the government's crackdown on dissenting voices.

The police with ruling party men, also surrounded the campuses of East West University, North South University, BRAC University on 6 August 2018 and fired tear gas shells and bullets inside the campus of the East West University. Police arrested 22 students of East West University, North South University, BRAC University and South East University. They suffered ill treatment in the police station and after appearing before the court, were taken into two-day remand. After that, they were sent to jail when their bail petitions were rejected.6 According to media reports around 35 cases were filed with 16 police stations from 29 July to 10 August 2018, in which 42 persons were arrested.7 Among those 35 cases, six were filed under the repressive Information and Communication Technology Act in which nine persons were arrested, including photographer Shahidul Alam and actress Quazi Nawshaba Ahmed.8

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[1] The Daily Star, 2 August 2018; https://www.thedailystar.net/city/shipping-minister-shahjahan-khan-begs-apology-deaths-father-visits-victims-home-1614514

[2] The daily Dhaka Tribune, 5 August 2018; https://www.dhakatribune.com/bangladesh/dhaka/2018/08/05/daily-star-journalists-assaulted

[3] "Police again fire tear gas at students as government cuts internet access amid escalating demonstrations", Al Jazeera, 6 August 2018; https://www.aljazeera.com/news/2018/08/bangladesh-officials-restrict-internet-student-protests-180805071428323.html

[4] "Photographer Shahidul picked up after Al Jazeera interview", the daily Prothom Alo, 7 August 2018; https://en.prothomalo.com/bangladesh/news/181111/Photographer-Shahidul-picked-up-after-Al-Jazeera

[5] CNN, 10 August 2018, https://edition.cnn.com/2018/08/10/asia/bangladesh-photographer-torture-allegations-intl/index.html

[6] "22 private univ students put on remand, 34 cases filed", the daily New Age, 08 August 2018; http://www.newagebd.net/article/47895/22-private-univ-students-put-on-remand, "Road Safety Protest: No bail for 22 pvt univ students", The Daily Star, 10 August 2018; https://www.thedailystar.net/news/city/bangladesh-private-universities-22-students-denied-bail-after-remand-1618207

[7] The daily Prothom Alo, 8 August 2018 and 9 August 2018

[8] The daily Prothom Alo, 11 August 2018

2. University students have been protesting for the reformation of the quota system in public service since February 2018. When the protests spread, Prime Minister Sheikh Hasina, on 11 April 2018, declared the removal of the quota system in Parliament, although the students were demanding reform and not removal of the quota system in government jobs. On 30 June 2018, protesting students of the quota reform movement tried to organise a press conference in front of the Central Library of Dhaka University. Activists of Bangladesh Chhatra League (BCL)9 attacked them just before the conference commenced and injured some students, including Joint Convener of the General Student Rights Protection Council, Nurul Huq Nuru.10 Injured Nuru was forced out of Dhaka Medical College Hospital (DMCH)11 by the hospital authority and later admitted to a private hospital. Police arrested 13 students including Rashed Khan, joint convener of the quota reform movement; and they were allegedly tortured by police in remand. Rashed's mother Saleha Begum, on 11 July 2018, organised a press conference and said that Rashed was tortured by police during remand.12 Female students, involved in the quota reform movement were allegedly sexually harassed by BCL leaders and activists. One female student alleged that after the harassment, Chhatra League activists handed her over to Shahbagh Police Station and police tried to take a false confession from her that she was a drug addict.13

3. Police and many leaders and activists of Awami League barred peaceful programmes organised by the main opposition party (out of Parliament), Bangladesh Nationalist Party (BNP) across the country in protest of the allegedly politically motivated sentence on BNP Chairperson and former Prime Minister Khaleda Zia.14 They attacked the rally and arrested BNP leaders and activists and stopped their programmes. Furthermore, random arrests of opposition party leaders and activists on the pretext of holding 'secret meetings' and for 'vandalism' is becoming very common. Apart from attacking the opposition party BNP, the government is using its party activists and police to attack and stop protest rallies of other organisations.

2018 is significant for Bangladesh as the 11th Parliamentary Elections are scheduled for December 2018. The report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai, which was submitted in accordance with Human Rights Council resolution 21/16 in 2013, shows that the rights to freedom of peaceful assembly and of association have increasingly come under attack as incumbent or incoming governments seek to retain or gain power at all costs. It further states that the context of elections deserves special focus because the ability of individuals and associations to form and operate freely is particularly at risk during those periods.15 The view of the Special Rapporteur is very appropriate in the present political context of Bangladesh.

The government's repression on meetings, assemblies and rallies organised by various political parties, organisations and students, violates freedoms guaranteed in Article 37 of the Bangladesh Constitution and Articles 21 and 22 of the International Covenant on Civil and Political Rights (ICCPR). Gross human rights violations in the country have direct links with the curtailment of the right to take part in the conduct of public affairs, directly or through freely chosen representatives,16 as a credible electoral democracy has been severely undermined by the incumbent government.
Odhikar urges the UN Human Rights Council to make the following recommendations to Bangladesh:

1. Protect, respect and ensure the rights to freedom of expression and peaceful assembly and association of all citizens, including the opposition political parties and people who have alternative beliefs or dissenters.
2. Take effective measures to stop harassment, including arrest operations against the opposition and dissenters.
3. Stop filing cases against 'unknown persons' and withdraw such cases which are believed to be repressive. Release all political prisoners.

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[9] Student wing of Awami League

[10] "Quota Movement: BCL swoops on reformists", The Daily Star, 1 July 2018; https://www.thedailystar.net/backpage/quota-movement-bcl-swoops-reformists-1597912

[11] DMCH is a government hospital

[12] Human Rights Monitoring Report, July 2018, Odhikar, page 12, www.odhikar.org/wp-content/uploads/2018/08/human-rights-monitoring-report-July-2018_Eng.pdf

[13] "Every moment felt like hell: *Victim tells her story*", The Daily Star, 6 July 2018; https://www.thedailystar.net/frontpage/it-was-second-hell-1600765

[14] On 8 February 2018, the main opposition party BNP Chairperson Khaleda Zia was sentenced to five years imprisonment in a verdict under the Zia Orphanage Trust corruption case filed during the military-backed caretaker government in 2007 and sent to prison the same day.

[15] A/68/299, paragraph-2, page-3, https://www.ohchr.org/Documents/Issues/FAssociation/A_68_299_en.pdf

[16] Article 25 of the International Covenant on Civil and Political Rights (ICCPR) is seriously undermined since the 5th January 2014 sham election, which was boycotted by all the opposition political parties and the ruling party seized 153 seats out of a total of 300 constituencies of the National Parliament of Bangladesh.

4. Investigate incidents of attacks on students demanding safe roads and journalists covering the movement and take appropriate action against the perpetrators.
5. Stop attacks and suppression on students and teachers who are demanding the reformation of the quota system in public service.